

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE

LEHMAN BROTHERS HOLDINGS, INC., et  
al.,

DEBTORS

HEARING DATE: March 25, 2009  
HEARING TIME: 10:00a.m.  
HEARING PLACE: New York

CHAPTER 11  
CASE NO. 08-13555  
JUDGE: James Peck

(Jointly Administered)

IN RE

BNC MORTGAGE LLC,

DEBTORS

CHAPTER 11  
CASE 09-10137  
JUDGE: James Peck

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**AMENDED NOTICE OF MOTION FOR RELIEF FROM THE AUTOMATIC STAY  
PURSUANT TO BANKRUPTCY RULE 4001 AND 11 U.S.C. §362 (d)**

**PLEASE TAKE NOTICE** that US Bank, National Association, as Trustee, by and through its attorneys, Shapiro & DiCaro, LLP, will move this Court at the United States Bankruptcy Court, Alexander Hamilton Custom House, One Bowling Green, New York, NY 10004, on March 25, 2009 at 10:00a.m., or as soon thereafter as counsel may be heard, for an Order pursuant to Bankruptcy Rule 4001 and 11 U.S.C. §362(d) terminating the automatic stay as to Movant's interest in real property known as 586 Hendrix Street, Brooklyn, New York, and for such and further relief as is just and proper.

**PLEASE TAKE FURTHER NOTICE** that the relief requested may be granted without hearing if no objection is timely filed and served with the Court by the deadline set forth above.

Dated: February 27, 2009  
Rochester, New York



Anne E. Miller-Hulbert  
Anne E. Miller-Hulbert  
Shapiro & DiCaro, LLP  
Attorneys for US Bank, National Association, as  
Trustee  
250 Mile Crossing Boulevard  
Suite One  
Rochester, NY 14624  
(585) 247-9000

TO: Parties in Interest on the Annexed List

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**ORDER GRANTING RELIEF FROM  
THE AUTOMATIC STAY**

Upon the Motion of US Bank, National Association, as Trustee dated February 27, 2009 with exhibits attached thereto, with proof of service upon the Trustee, Debtor and Debtor's Attorney and the United States Trustee, and the Motion having come to be heard on March 25, 2009, it is hereby:

**ORDERED** that the automatic stay in effect pursuant to 11 U.S.C. Section 362(a) is hereby vacated for cause pursuant to 11 U.S.C. Section 362(d) as to US Bank, National Association, as Trustee, its agents, assigns or successors in interest so that US Bank, National Association, as Trustee, its agents, assigns or successors in interest may take any and all actions under applicable state law to foreclose its mortgage on the premises known as 586 Hendrix Street, Brooklyn, NY 11207, and it is further

**ORDERED** that the Movant shall immediately provide an accounting to the  
Trustee of any surplus monies realized as a result of the foreclosure sale.

Dated: \_\_\_\_\_, 2009  
New York, NY

Enter:

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Honorable James Peck  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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**AFFIDAVIT OF SERVICE BY MAIL**

STATE OF NEW YORK )  
                          )  
                          )ss:  
COUNTY OF MONROE )

I, Shannon Thompson, being sworn, says, I am not a party to this action; I am over 18 years of age, I reside in Rochester, New York.

On February 27, 2009 I served the within Amended Notice of Motion upon the parties in interest set forth on the attached List:

TO     BNC Mortgage LLC  
         Debtor- in- Possession  
         1901 Main Street  
         Irvine, CA 92624

Weil, Gotshal & Manges, LLP  
Attn: Harvey R. Miller, Esq.  
Richard P. Krasnow, Esq., Lori R.  
Fife, Esq., Shai Y. Waisman, Esq.  
And Jacqueline Marcus, Esq.  
Attorney for Debtors  
767 Fifth Avenue  
New York, NY 10153

Hughes Hubbard & Reed  
Attn: Jeffrey S. Margolin, Esq. and  
Sarah K. Loomis, Esq.  
Attorneys for James W. Giddens, as  
Trustee for the SIPA Liquidation of  
Lehman Brothers, Inc.  
1 Battery Park Plaza  
New York, NY 10004

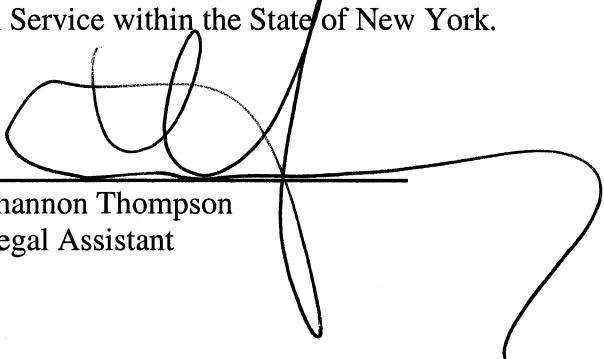
Office of the U.S. Trustee  
Attn: Andy Velez-Rivera, Paul  
Schwartzberg, Brian Masumoto,  
Linda Riffin and Tracy Hope Davis  
33 Whitehall Street 21<sup>st</sup> Floor  
New York, NY 10004

Claims and Noticing Agent  
Epiq Bankruptcy Solutions, LLC Claims  
Agent f/k/a Bankruptcy Services, LLC  
757 Third Avenue 3<sup>rd</sup> Floor  
New York, NY 10017

Milbank, Tweed, Hadley & McCloy, LLP  
Attn: Dennis F. Dunne, Esq., Dennis O'Donnell, Esq.  
and Evan Fleck, Esq.  
Official Committee for Unsecured Creditors  
1 Chase Manhattan Plaza  
New York, NY 10005

Quinn Emanuel Urquhart Oliver & Hedges  
Attn: James Tecce and Susheel Kirpalani  
Attorney for Official Committee of  
Unsecured Creditors  
51 Madison Avenue 22<sup>nd</sup> Floor  
New York, NY 10010

the addresses designated by the foregoing individuals for that purpose by depositing a true copy of same enclosed in a postpaid, properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.



Shannon Thompson  
Legal Assistant

Sworn to before me this  
27th day of February, 2009,



Notary Public  
Anne E. Hulbert  
Qualified in Monroe County  
Commissions Expires May 31, 2010